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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,770	01/16/2004	Laymon Scott Humphries	09710-1208	6309
36614 7590 01/02/2008 MANATT PHELPS AND PHILLIPS ROBERT D. BECKER 1001 PAGE MILL ROAD, BUILDING 2 PALO ALTO, CA 94304			EXAMINER RAMAKRISHNAIAH, MELUR	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 01/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/758,770	Applicant(s) HUMPHRIES ET AL.	
	Examiner Melur Ramakrishnaiah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-30 is/are allowed.
- 6) ☒ Claim(s) 30-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4-7-05, 6-19-06</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 31-33, 34-36 are rejected under 35 U.S.C 102(b) as being anticipated by Tsujimoto et al. (US2002/0190896A1, hereinafter Tsujimoto).

Regarding claim 31, Tsujimoto discloses a method for supporting tracking and management of an asset over a wireless network, the method comprising: determining location of an asset (reads on for example 104, fig. 1) when in a first mode of operation, obtaining assistance data for determining the location when the asset is inside a coverage area of a wireless network (this reads on availability of network and obtaining location data: paragraph: 0042) and switching to a second mode of operation when asset is outside a coverage area of the wireless network (reads on network not available for obtaining location data: paragraph: 0041) for autonomously determining the location (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4).

Regarding claim 34, Tsujimoto discloses an apparatus for supporting tracking and management of an asset over a wireless network, the apparatus comprising: means (108, fig. 1) for determining location information relating to location of the asset (reads on for example 104, fig. 1) when in a first mode of operation, and obtaining assistance data for determining the location when the asset is inside coverage area of

the wireless network (this reads on availability of network and obtaining location data: paragraph: 0042) and means for switching (reads on 312, fig. 3) to a second mode of operation when the asset is outside a coverage area of the wireless network (reads on network not available for obtaining location data: paragraph: 0041) for autonomously for determining the location (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4).

Regarding claims 32-33, 35-36, Tsujimoto further teaches the following: wireless network is a two-way paging system including Global Positioning System reference network (reads on 108, fig. 1), and the assistance data is assisted Global Positioning System (A-GPS) data derived from the GPS reference network, the apparatus further comprising: means in (108, fig. 1) for receiving the A-GPS data from a network operations center that manages the wireless network, location information is determined independently from NOC (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4).

3. Claims 1-30 are allowed.

Response to Arguments

4. Applicant's arguments filed on 10-26-2007 with respect to claims 31-36 have been fully considered but they are not persuasive.

Rejection of claims 31-36 under 35 U.S.C 102(b) as being anticipated by Tsujimoto et al. (US2002/0190896A1, hereinafter Tsujimoto):

Applicant's amended claim 31 recites among other things: obtaining assistance data for determining location when the asset is inside a coverage area of the wireless network. Regarding this limitation Tsujimoto still reads on this in that he teaches: obtaining assistance data for determining location when the asset is inside a coverage

area of the wireless network (this reads on availability of network and obtaining location data: paragraph: 0042). Similarly Tsujimoto further teaches applicant's other amended claim limitation such as: switching to a second mode of operation when asset is outside a coverage area of the wireless network (reads on network not available for obtaining location data: paragraph: 0041) for autonomously determining the location (paragraphs: 0005, 0041-0042, 0065-0066; figs. 3-4). In view of this rejection of independent claim 31 is maintained. Similar remarks as made with respect to claim 31 is applicable to claim 34. In view of this rejection of claims 31-36 is maintained.

In light of amendments to claims 1, 11, 21 and applicants remarks regarding amendments with respect to references used in their rejection, claims 1-30 are allowed.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614